THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

-

-

WRIT PETITION No.9875 OF 2006

DATE: 23-05-2006

Between:

M.Chandrappa . . .Petitioner

and

The Govt. of AP and others . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

AND

THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION No.9875 OF 2006

O R D E R: (per LNR, J)

This writ petition is filed by the petitioner aggrieved by the order, dated 27-04-2006, passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, vacating the interim order passed in O.A.No.743 of 2006. Petitioner and 33 others, Senior Inspectors of Cooperative Department, were absorbed as Extension Officers into the Panchayat Raj and Rural Employment Department through proceedings, dated 09-03-2000. However, soon thereafter the Government stayed the operation of the said orders, several proceedings were ensued in relation to the continuation of the petitioner in the Panchayat Raj Department as well as his entitlement to the post of Mandal Parishad Development Officer.

Petitioner filed O.A.No.743 of 2006 challenging the order, dated 31-01-2006, under which he was sought to be repatriated to the Parent Department. Initially, an interim order was passed suspending the said order. Subsequently, it was vacated through orders, dated 27-04-2006.

Learned counsel for the petitioner submits that several persons, who were similarly situated persons, are continuing in the Panchayat Raj Department and that there was no basis for the Tribunal in vacating the interim orders.

Learned Government Pleader for Services, on the other hand, submits that though the petitioner and certain others were absorbed into the Panchayat Raj Department, the same was stayed by the Government before the absorption, as such, could be effected and that the petitioner does not have any vested right to continue in the post.

It is true that out of 34 persons, orders of absorptions were issued and became final in respect of some persons only. The fact, however, remains that so far as the petitioner is concerned, neither there exists any order nor there is any material to strengthen his position in the Panchayat Raj Department. It was, in this context, that the appropriate authority issued orders repatriating the petitioner to the parent Department. Therefore, this Court does not find any basis to interfere with the order under challenge.

The writ petition is accordingly dismissed. It is, however, made clear that in case the Government passes final orders on the representation made by the

petitioner and similarly situated persons upholding the absorption of the petitioner into the Panchayat Raj Department, the present repatriation shall not affect the rights of the petitioner. The Government shall expedite the consideration of the representation of the petitioner and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

_____

(L.NARASIMHA REDDY, J)

23rd MAY, 2006.

_____

(D.APPA RAO, J)

kvni/vrn